

# Resolution Cemetery

RESOLUTION NO. 1-23-97-6-d

A RESOLUTION RATIFYING THE CREATION AND EXISTENCE OF THE CITY OF COLLEGE STATION CEMETERY COMMITTEE AND AMENDING THE NUMBER OF MEMBERS FROM SIX (6) TO SEVEN (7) MEMBERS.

WHEREAS, the City of College Station has owned and operated a city cemetery since 1948;

WHEREAS, a committee of College Station citizens has continued to serve on the Cemetery Committee for more than forty-five (45) years for the purpose of advising City Council on all matters related to the operation of the cemetery;

WHEREAS, these citizens have committed their time to ensure appropriate rules and regulations are in place, that citizen concerns with cemetery policy are addressed, and that the property is aesthetically pleasing;

WHEREAS, neither ordinance, resolution nor minute order exists to formally recognize the establishment of the Cemetery Committee;

WHEREAS, the City of College Station City Council has determined the creation and existence of the Cemetery Committee should be ratified; and

WHEREAS, the current Cemetery Committee membership is six (6) members and the committee desires the addition of one (1) member to be appointed by the City Council;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of College Station hereby ratifies the existence of the Cemetery Committee as herein described and expands the membership of the Cemetery Committee to seven (7) members:

1. Membership and Method of Appointment - The Cemetery Committee shall be composed of seven (7) members appointed by the Mayor and confirmed by the City Council.
2. Eligibility - Members shall be residents and qualified voters.
3. Term of Office - Members of the Cemetery Committee shall serve for a period of two (2) years.
4. Meetings - Meetings shall be on call by the committee chair.
5. Duties and Responsibilities - Duties and responsibilities shall be to advise the City Council regarding policies relating to the city owned and operated cemetery.

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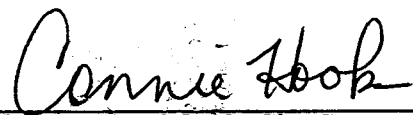
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PASSED and APPROVED this 23rd day of January, 1997.

APPROVED

  
LYNN MCILHANEY, MAYOR

ATTEST:

  
CONNIE HOOKS, City Secretary

*Joint Relief Funding  
Review*

RESOLUTION NO. 05-26-88-12

A RESOLUTION OF THE COLLEGE STATION CITY COUNCIL ESTABLISHING THE BRYAN/COLLEGE STATION JOINT RELIEF FUNDING REVIEW COMMITTEE.

WHEREAS, the Home Rule Cities of Bryan and College Station, Texas receive numerous requests from relief agencies of various types for municipal funding; and

WHEREAS, the City Council of each city desires to appropriate funding in an orderly and compassionate manner;

NOW, THEREFORE, BE IT RESOLVED By the City Council of the City of College Station that:

I.

There is hereby established the Bryan/College Station Joint Relief Funding Review Committee. The committee shall consist of three (3) persons from each community and, as permanent chairperson, the executive director of the Brazos County United Way Fund, for a total membership of seven (7) persons.

II.

The committee shall consist of three (3) representatives from Bryan, Places 1, 2, and 3; and three (3) representatives from College Station, Places 4, 5, and 6. Upon initial appointment, Place 1 from Bryan shall serve one (1) year, and Place 6 from College Station shall also serve one (1) year. Places 2 from Bryan and 5 from College Station shall serve an initial term of two (2) years, and Place 3 from Bryan and Place 4 from College Station shall each initially serve a three-year term. Thereafter, each place shall be appointed to three-year terms for no more than two consecutive terms.

III.

The committee shall review all funding requests from charitable or any other assistance type agencies, public or

private, to the cities. The committee shall make appropriate recommendations to the City Councils of the cities for their consideration.

PASSED and APPROVED this 26th day of May, 1988.

APPROVED:

Mayor

ATTEST:

Dian Jones  
Dian Jones, City Secretary

APPROVED AS TO FORM:

Cathy Locke, City Attorney

the first anniversary of the date that the pawnshop ceased doing business at the previous location."

#### § 211.004. Compliance With Comprehensive Plan

(a) Zoning regulations must be adopted in accordance with a comprehensive plan and must be designed to:

- (1) lessen congestion in the streets;
- (2) secure safety from fire, panic, and other dangers;
- (3) promote health and the general welfare;
- (4) provide adequate light and air;
- (5) prevent the overcrowding of land;
- (6) avoid undue concentration of population; or
- (7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

(b) Repealed by Acts 1997, 75th Leg., ch. 459, § 2, eff. Sept. 1, 1997

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 458, § 1, eff. Aug. 28, 1989; Acts 1997, 75th Leg., ch. 459, § 2, eff. Sept. 1, 1997.

#### § 211.005. Districts

(a) The governing body of a municipality may divide the municipality into districts of a number, shape, and size the governing body considers best for carrying out this subchapter. Within each district, the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.

(b) Zoning regulations must be uniform for each class or kind of building in a district, but the regulations may vary from district to district. The regulations shall be adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

#### § 211.006. Procedures Governing Adoption of Zoning Regulations and District Boundaries

(a) The governing body of a municipality wishing to exercise the authority relating to zoning regulations and zoning district boundaries shall establish procedures for adopting and enforcing the regulations and boundaries. A regulation or boundary is not effective until after a public hearing on the matter at which parties in interest and citizens have an opportunity to

be heard. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality.

(b) In addition to the notice required by Subsection (a), a general-law municipality that does not have a zoning commission shall give notice of a proposed change in a zoning classification to each property owner who would be entitled to notice under Section 211.007(c) if the municipality had a zoning commission. That notice must be given in the same manner as required for notice to property owners under Section 211.007(c). The governing body may not adopt the proposed change until after the 30th day after the date the notice required by this subsection is given.

(c) If the governing body of a home-rule municipality conducts a hearing under Subsection (a), the governing body may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of the public hearing. Notice requirements prescribed under this subsection are in addition to the publication of notice required by Subsection (a).

(d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either:

- (1) the area of the lots or land covered by the proposed change; or
- (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

(e) In computing the percentage of land area under Subsection (d), the area of streets and alleys shall be included.

(f) The governing body by ordinance may provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of the municipality's zoning commission that a proposed change to a regulation or boundary be denied. Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

#### § 211.007. Zoning Commission

(a) To exercise the powers authorized by this subchapter, the governing body of a home-rule municipality shall, and the governing body of a general-law municipality may, appoint a zoning commission. The commission shall recommend boundaries for the original zoning districts and appropriate zoning regulations

for each district. If the municipality has a municipal planning commission at the time of implementation of this subchapter, the governing body may appoint that commission to serve as the zoning commission.

(b) The zoning commission shall make a preliminary report and hold public hearings on that report before submitting a final report to the governing body. The governing body may not hold a public hearing until it receives the final report of the zoning commission unless the governing body by ordinance provides that a public hearing is to be held, after the notice required by Section 211.006(a), jointly with a public hearing required to be held by the zoning commission. In either case, the governing body may not take action on the matter until it receives the final report of the zoning commission.

(c) Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail. If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, the notice shall be given in the manner provided by Section 211.006(a).

(d) The governing body of a home-rule municipality may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the governing body and the zoning commission. If notice requirements are prescribed under this subsection, the notice requirements prescribed by Subsections (b) and (c) and by Section 211.006(a) do not apply.

(e) If a general-law municipality exercises zoning authority without the appointment of a zoning commission, any reference in a law to a municipal zoning commission or planning commission means the governing body of the municipality.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

#### § 211.0075. Compliance With Open Meetings Law

A board or commission established by an ordinance or resolution adopted by the governing body of a municipality to assist the governing body in developing an initial comprehensive zoning plan or initial zoning regulations for the municipality, or a commit-

tee of the board or commission that includes one or more members of the board or commission, is subject to Chapter 551, Government Code, regardless of whether the board, commission, or committee has rulemaking or quasi-judicial powers or functions only in an advisory capacity.

Added by Acts 1993, 73rd Leg., ch. 381, § 1, eff. Aug. 30, 1993. Amended by Acts 1995, 74th Leg., ch. 76, § 5.95(82), eff. Sept. 1, 1995.

#### § 211.008. Board of Adjustment

(a) The governing body of a municipality may provide for the appointment of a board of adjustment. In the regulations adopted under this subchapter, the governing body may authorize the board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of the zoning ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance.

(b) A board of adjustment must consist of at least five members to be appointed for terms of two years. The governing body must provide the procedure for appointment. The governing body may authorize each member of the governing body, including the mayor, to appoint one member to the board. The appointing authority may remove a board member for cause, as found by the appointing authority, on a written charge after a public hearing. A vacancy on the board shall be filled for the unexpired term.

(c) The governing body, by charter or ordinance, may provide for the appointment of alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.

(d) Each case before the board of adjustment must be heard by at least 75 percent of the members.

(e) The board by majority vote shall adopt rules in accordance with any ordinance adopted under this subchapter. Meetings of the board are held at the call of the presiding officer and at other times as determined by the board. The presiding officer or acting presiding officer may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

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Acts 1987, 70th ed by Acts 199 Acts 1995, 74th 1997, 75th Leg

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(f) The board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the board's office and are public records.

(g) The governing body of a Type A general-law municipality by ordinance may grant the members of the governing body the authority to act as a board of adjustment under this chapter.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 126, § 1, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 724, § 1, eff. Aug. 28, 1995; Acts 1997, 75th Leg., ch. 363, § 1, eff. Sept. 1, 1997.

#### § 211.009. Authority of Board

(a) The board of adjustment may:

(1) hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this subchapter or an ordinance adopted under this subchapter;

(2) hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so;

(3) authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done; and

(4) hear and decide other matters authorized by an ordinance adopted under this subchapter.

(b) In exercising its authority under Subsection (a)(1), the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official.

(c) The concurring vote of 75 percent of the members of the board is necessary to:

(1) reverse an order, requirement, decision, or determination of an administrative official;

(2) decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or

(3) authorize a variation from the terms of a zoning ordinance.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 126, § 2, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 724, § 2, eff. Aug. 28, 1995.

#### § 211.010. Appeal to Board

(a) Except as provided by Subsection (e), any of the following persons may appeal to the board of adjustment a decision made by an administrative official:

(1) a person aggrieved by the decision; or

(2) any officer, department, board, or bureau of the municipality affected by the decision.

(b) The appellant must file with the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed within a reasonable time as determined by the rules of the board. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed.

(c) An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown.

(d) The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal within a reasonable time.

(e) A member of the governing body of the municipality who serves on the board of adjustment under Section 211.008(g) may not bring an appeal under this section.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 363, § 2, eff. Sept. 1, 1997.

#### § 211.011. Judicial Review of Board Decision

(a) Any of the following persons may present to a district court, county court, or county court at law a verified petition stating that the decision of the board of adjustment is illegal in whole or in part and specifying the grounds of the illegality:

(1) a person aggrieved by a decision of the board;

(2) a taxpayer; or